

1
2
3
4
5
6
7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT TACOMA

10 BRYAN J. BRYCE and CATHERINE G.
11 BRYCE,

12 Plaintiffs,

13 v.

14 EXCEL FUNDING, INC.; *et al.*,

15 Defendants.

Case No. C09-5686RJB

ORDER ON
BANKRUPTCY NOTICE

16 This matter comes before the Court on the Plaintiffs' Motion to Strike Hearing to Stay Sale of
17 Home. Dkt. 15. The Court has considered the pleading filed and the remainder of the file herein.

18 On October 30, 2009, Plaintiffs filed this action asserting claims under the Truth in Lending Act, 15
19 U.S.C. § 1601, *et seq.*, Real Estate Settlement Procedures Act, 122 U.S.C. § 2601, *et seq.*, Fair Debt
20 Collection Practices Act, 15 U.S.C. § 1692, *et seq.*, slander of title, credit impairment, and the Washington
21 State Consumer protection Act, RCW 19.86, *et seq.* Dkt. 1. Plaintiffs assert that their claims arise from a
22 loan Defendants made to them, and Defendants' later conduct in conjunction with the loan. Dkt. 1.

23 Plaintiffs' Emergency Motion to Stay Sale of Home, noted for December 4, 2009, seeks
24 temporarily enjoin the completion of the foreclosure sale of their home. Dkt. 9. Plaintiffs now file a
25 Motion to Strike Hearing to Stay Sale of Home. Dkt. 15. Plaintiffs state that they have now filed for
26 bankruptcy protection under Chapter 13 in the U.S. Bankruptcy Court of Western Washington, case
27 number 09-48516. *Id.* Plaintiffs state that the Emergency Motion to Stay Sale of Home is no longer
28 necessary. *Id.* Plaintiffs' Motion to Strike (Dkt. 15) should be granted and their Emergency Motion to

1 Stay Sale of Home (Dkt. 9) should be stricken.

2 The Court assumes, based upon Dkt. 15, that the case should be stayed and administratively closed,
3 subject to reopening by motion as appropriate. In the interests of Due Process, parties should have an
4 opportunity to respond, if they so choose. Any response should be filed by December 11, 2009.

5 Therefore, it is hereby, **ORDERED** that:

- 6 • Plaintiffs' Motion to Strike (Dkt. 15) is **GRANTED** and Plaintiffs' Emergency Motion to Stay Sale
7 of Home (Dkt. 9) is **STRICKEN**;
- 8 • Any response parties wish to make to the Court's staying of this action **SHALL BE FILED BY**
9 **DECEMBER 11, 2009.**
- 10 • The Clerk is directed to send uncertified copies of this Order to all counsel of record and to any
11 party appearing *pro se* at said party's last known address.

12 DATED this 24th day of November, 2009.

13
14
15 
16 ROBERT J. BRYAN
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28